

SUPREME COURT, STATE OF COLORADO  
2 East 14<sup>th</sup> Ave., Denver, CO 80203

Original Proceeding Pursuant to § 1-40-107(2)  
C.R.S. (2015)  
Appeal from the Ballot Title Board

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**In the Matter of the Title, Ballot Title, and  
Submission Clause for Proposed Initiative  
2015-2016 #100**

**ANITA CAMERON, JULIE FARRAR**  
Petitioners,

v.

**LANCE WRIGHT, MERCEDES APONTE**  
Respondents,

**SUZANNE STAIERT, FREDERICK YARGER,  
AND JASON GELENDER**  
Title Board.

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Attorney for Petitioners:  
Carrie Ann Lucas, Disabled Parents Rights  
1270 Automation Drive, Suite 2000, Windsor,  
CO 80550  
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Fax: 970.460.9197 Atty. Reg #: 36620

DATE FILED: April 27, 2016 8:13 PM

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Case Number:

**PETITION FOR REVIEW OF FINAL ACTION OF TITLE SETTING  
BOARD CONCERNINGS PROPOSED INITIATIVE 2015-2016 #100  
("MEDICAL AID IN DYING")**

Petitioners, Anita Cameron and Julie Farrar, registered electors in the State of Colorado, through her counsel, Carrie Ann Lucas, and pursuant to § 1-40-107(2), respectfully petition this Court to review the actions of the Ballot Title Board with respect to the setting of the title and submission clause for Proposed Initiative 2015-2016 #100 (“Medical Aid in Dying”), and states:

## **STATEMENT OF THE CASE**

### **I. Procedural History of Proposed Initiative #100**

On February 15, 2016, Proponents Lance Wright and Mercedes Aponte filed proposed Initiative 2015-2016 #124 (the “Initiative”) with the Office of Legislative Council. The review and comment meeting was held under C.R.S. § 1-40-105(1) on February 17, 2016. On or about February 17 or 18, 2016, Proponents submitted original, amended and final versions of the Initiative to the Secretary of State for title setting. On March 2, 2016, title was denied. Subsequently Proponents filed a motion for rehearing, but withdrew that motion.

On March 9, 2016, Proponents submitted a new set of original, and amended, versions of the Initiative to the Secretary of State for title

setting. On March 9 or 10, 2016 Proponents submitted a final version of the Initiative to the Secretary of State for Title Setting. On April 6, 2016, the Title Board set the Initiative's title. On April 13, 2016, Petitioner timely filed a Motion for Rehearing on the basis that the title set by the Title Board violated the single subject rule, and failed to fairly describe the meaning and intent of the Initiative. The Title Board held a rehearing on April 20, 2016 and denied the Petitioner's motion except to the extent that the Board amended the title.

## **II. Jurisdiction**

Petitioners are entitled to Colorado Supreme Court review of the Title Board's actions in setting the Initiative's title. C.R.S. § 1-40-107(2). Petitioners filed a timely Motion for Rehearing, see C.R.S. § 1-40-107(1), and subsequently filed this Petition for Review within seven days from the date of the rehearing, see C.R.S. § 1-40-107(2). As required by C.R.S. § 1-40-107(2), attached to this Petition for Review are certified copies of: 1) the Proponents' original, amended, and final draft of the Initiative; 2) the title set by the Title Board on April 6, 2016; (3) Motion for Rehearing filed by the Petitioners; and (4) the

rulings on the Motions for Rehearing as reflected by the title and submission clause set by the Board after rehearing. Petitioner believes that the Title Board erred in denying her motion for rehearing on the issues set forth below. For these reasons, this matter is properly before the Colorado Supreme Court.

### **GROUND FOR APPEAL**

In violation of C.R.S. § 1-40-106, the title and submission clause set by the Title Board is unfair and does not reflect the central features of the Initiative to accurately convey the true intent and meaning of the Initiative. The following is an advisory list of the issues to be addressed in the Petitioners' brief:

- 1) The single subject of the Initiative fails to correctly and properly identify the true intent and meaning of the Initiative, which is to promote euthanasia.
- 2) In addition to its stated purpose, the initiative creates a new class of protected persons under the Constitution, referred to as "citizen-sovereigns."

- 3) In addition to its stated purpose, the initiative creates new inalienable rights of persons in “defending their lives.”
- 4) In addition to its stated purpose, the initiative also creates new definitions of “mental competency.”
- 5) The title fails to reflect that the measure creates this new class of “citizen-sovereigns” or creates new inalienable rights.

### **PRAYER FOR RELIEF**

Petitioners respectfully requests that the Court determine that the measure fails to express a single subject, or in the alternative, the title and submission clause set for Proposed Initiative 2015-2016 #100 is inaccurate, and fails to reflect its true intent and meaning, and remand to the Title Board with instructions to redraft the title

Respectfully submitted this 27<sup>th</sup> day of April, 2016.

s/Carrie Ann Lucas  
Carrie Ann Lucas, #36620  
Attorney for Anita Cameron and Julie Farrar

Certificate of Service

I hereby certify that on April 27, 2016, a true and correct copy of the foregoing was served through the ICCES file and serve system, by electronic mail or by placing a true and correct copy via overnight delivery, postage prepaid and addressed to:

Lance Wright  
1960 S. Gilpin Street  
Denver, CO 80210

Mercedes Aponte  
PO Box 40412  
Denver, CO 80204

LeeAnn Morrill  
Office of the Attorney General  
1300 Broadway, 6th Floor  
Denver, CO 80203  
Leann.morrill@state.co.us  
Attorney for the Title Board

s/Carrie Ann Lucas  
Carrie Ann Lucas

# STATE OF COLORADO

DEPARTMENT OF  
STATE

## CERTIFICATE

I, **WAYNE W. WILLIAMS**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2015-2016 #100 'Medical Aid in Dying'".....

..... **IN TESTIMONY WHEREOF** I have unto set my hand .....  
and affixed the Great Seal of the State of Colorado, at the  
City of Denver this 27<sup>th</sup> day of April, 2016.

*Wayne W. Williams*  
\_\_\_\_\_  
SECRETARY OF STATE



# 2015-2016 #100 - Final

PROPOSED INITIATIVE MEASURE 2015 – 2016 #100, MEDICAL AID IN DYING.

A PROPOSAL TO AMEND THE STATE CONSTITUTION.

*BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:*

**SECTION 1.** In the Constitution of the State of Colorado, add Section 28A to Article II as follows:

**SECTION 28A. MEDICAL AID IN DYING. (1) FOUNDING CONCEPTS OF GOVERNMENT. (a)** THE PEOPLE OF COLORADO

AFFIRM THAT THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE STATE OF COLORADO PROCLAIM THAT CERTAIN INALIENABLE RIGHTS SUCH AS LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS ARE SO FUNDAMENTAL AS TO BE SELF-EVIDENT AND TO BELONG TO THE INDIVIDUAL BY NATURAL ENDOWMENT.

**(2) CHARACTERISTICS OF MODERN MEDICINE. (a)** THE PEOPLE OF COLORADO HEREBY FIND THAT:

(I) RECENT ADVANCES IN MEDICAL SCIENCE ARE PRODUCING STARK CONTRASTS IN LIFE EXPERIENCE BETWEEN THE BEST AND WORST RESPONDING CONDITIONS, RANGING FROM OUTRIGHT CURES FOR SOME CONDITIONS TO SEEMINGLY POINTLESS ELONGATION OF THE DYING PROCESS IN OTHERS;

(II) AS IMPROVED AS THE BEST RESULTS ARE, MORTALITY HAS NOT BEEN CURED AND DEATH IS STILL AN INEVITABILITY THAT MUST BE FACED ON A PERSONAL LEVEL.

**(3) PHILOSOPHICAL AND LEGAL CONFLICT. (a)** THE PEOPLE OF COLORADO ALSO FIND THAT MANY COLORADANS ARE SURPRISED TO LEARN:

(I) THAT COLORADO LAW PREVENTS A CITIZEN-SOVEREIGN ACCESS TO PRESCRIPTION DRUGS THAT WOULD GIVE HIM OR HER A PEACEFUL DEATH;

(II) THAT LAWS CRIMINALIZING AS ASSISTED SUICIDE THE ACTIONS OF THOSE HELPING A CITIZEN-SOVEREIGN EXERCISE HIS OR HER NATURAL RIGHT TO SELF-DETERMINATION EXIST BECAUSE SOME ACTIVISTS AND SPECIAL INTEREST GROUPS OBJECT.

(b) MANY COLORADANS BELIEVE THAT LAWS THAT EFFECTIVELY LIMIT THEIR RESPONSE TO IMPENDING DEATH TO ONLY FIGHTING ON UNTIL ALL POSSIBLE TREATMENTS HAVE FAILED OR EASING INTO DEATH BY WITHHOLDING MEDICAL TREATMENT OR REFUSING TO EAT OR DRINK ARE UNACCEPTABLE GOVERNMENT USURPATIONS OF THE RIGHT TO SELF-DETERMINATION.



**(4) RIGHTS OF CITIZEN-SOVEREIGNS.** (a) THE PEOPLE OF COLORADO HEREBY DECLARE THAT CITIZEN-SOVEREIGNS have THE INALIENABLE RIGHT OF THE LIBERTY AT LIFE'S END TO SET THE TIME AND TONE OF THEIR OWN DEATH BY OBTAINING A MEDICAL PROFESSIONAL'S ASSISTANCE IN ACHIEVING A PEACEFUL DEATH THROUGH THE CAREFUL ADMINISTRATION OF A MEDICAL PROTOCOL.

(b) THE PEOPLE OF COLORADO HEREBY ADDITIONALLY DECLARE THAT ANY PERSON, GROUP, OR MEDICAL PROFESSIONAL ASSISTING A CITIZEN-SOVEREIGN TO SECURE MAID SHALL HAVE IMMUNITY FROM CRIMINAL PROSECUTION, CIVIL LIABILITY, AND PROFESSIONAL DISCIPLINE UPON PRESENTATION OF ACCEPTABLE DOCUMENTATION SUPPORTING THE CLAIM THAT THE REQUEST FOR, AND THE RENDERING AND UTILIZATION OF, MAID IS VOLUNTARY ON THE PART OF ALL INVOLVED IN ADMINISTERING, OR SUPPORTING THE ADMINISTERING OF, MAID.

**(5). CONDITIONAL, TIME DEFERRED, MAID.** (a) THE CITIZEN-SOVEREIGN'S RIGHT TO OBTAIN MAID IS NOT LIMITED TO THE MAINTENANCE OF MENTAL COMPETENCY ONLY, BUT CAN BE DURABLE INTO INCOMPETENCY IF DESIRED BY THE CITIZEN-SOVEREIGN AND SUPPORTED BY WRITTEN DOCUMENTATION OF THE CONDITIONS AND TERMS OF THE CONDITIONAL MAID AGREEMENT.

(b) A CITIZEN-SOVEREIGN CAN, AT ANY POINT IN TIME, ENTER INTO A CONDITIONAL MAID AGREEMENT TO RECEIVE MAID AT SOME FUTURE DATE WHEN THE PREDETERMINED CONDITIONS ARE MET, EVEN THOUGH THE CITIZEN-SOVEREIGN COULD, AT THAT POINT IN THE FUTURE, NO LONGER BE MENTALLY COMPETENT.

(c) PARTICIPATION IN MAID AND CONDITIONAL MAID IS ALWAYS VOLUNTARY. AGREEMENT TO PARTICIPATE IN THE MAID PROTOCOL CAN BE WITHDRAWN AT ANY TIME BY ANY CITIZEN-SOVEREIGN INVOLVED.

**(6). DEFINITIONS. AS USED IN THIS SECTION:**

(a) "ACCEPTABLE DOCUMENTATION" MEANS ARTIFACTS, SUCH AS, BUT NOT LIMITED TO, WRITTEN DOCUMENTS OR VIDEO AND AUDIO RECORDINGS THAT ARE PRESENTED TO SUPPORT THE CLAIM THAT THE CITIZEN-SOVEREIGN VOLUNTARILY REQUESTED MAID OR CONDITIONAL MAID.

(b) "ADULT" MEANS A PERSON EIGHTEEN (18) YEARS OF AGE OR OLDER.

(c) "CITIZEN-SOVEREIGN" MEANS A MENTALLY COMPETENT, ADULT, LAWFUL RESIDENT OF THE UNITED STATES OF AMERICA.

(d) "CONDITIONAL MAID" MEANS MAID THAT IS ACTIVATED THROUGH AN AGREEMENT DESIGNED TO GO INTO EFFECT WHEN THE "CONDITIONS" SPECIFIED THEREIN ARE MET. THE DETAILS OF THE AGREEMENT WILL BE DEVELOPED BETWEEN THE CITIZEN-SOVEREIGN WHO IS ANTICIPATING LOSING MENTAL COMPETENCY IN THE FUTURE AND DESIRES TO RECEIVE MAID AFTER HE OR SHE REACHES THAT POINT OF MENTAL INCOMPETENCY DESCRIBED IN THE AGREEMENT AND THE MEDICAL PROFESSIONAL WHO IS VOLUNTEERING TO PROVIDE THE MAID DESIRED AT THAT FUTURE TIME. THE MEDICAL PROFESSIONAL CAN WITHDRAW FROM THE AGREEMENT AT ANY TIME, BUT THE AGREEMENT MUST DETAIL HOW THE PARTIES TO THE AGREEMENT PLAN TO ALLOW THE MEDICAL PROFESSIONAL TO BE ABLE TO WITHDRAW FROM THE AGREEMENT.

(e) "IMMUNITY" MEANS FREEDOM FROM PENALTIES, PAYMENTS, OR LEGAL REQUIREMENTS THAT COULD ARISE FROM ADMINISTERING MAID OR CONDITIONAL MAID. UNDER THE PROVISIONS OF THIS SECTION, MAID AND CONDITIONAL MAID ARE NOT SUICIDE OR ASSISTEDSUICIDE.

(f) "MAID" IS "MEDICAL AID IN DYING" AND MEANS HELPING A CITIZEN-SOVEREIGN WHO HAS AN INCURABLE, LIFE-LIMITING MEDICAL CONDITION, SUCCEED IN THE VOLUNTARY PURSUIT OF ACHIEVING A PEACEFUL DEATH. THE TERM "MEDICAL AID IN DYING" REFERS TO THE APPLICATION OF, AND TO THE SUPPORT OF THE APPLICATION OF, A MEDICAL PROTOCOL THAT IS LETHAL. IT DOES NOT INCLUDE NON-MEDICAL ACTIONS SUCH AS HANGING OR ASPHYXIATION AND MUST BE SUPERVISED BY A MEDICAL PROFESSIONAL.

(g) "MEDICAL PROFESSIONAL" MEANS A PERSON WHO, PURSUANT TO A LICENSE, CERTIFICATION, REGISTRATION, OR OTHER AUTHORITY GRANTED IN STATE LAW, IS AUTHORIZED TO ADMINISTER HEALTH CARE OR DISPENSE MEDICATION IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION.

(h) "MENTAL COMPETENCY" APPLIES TO ANY ADULT IN COLORADO WHO POSSESS THE DECISIONAL ABILITY TO BE RESPONSIBLE FOR HIS OR HER OWN DECISIONS AND ACTIONS REGARDING MEDICAL CARE AND TREATMENT.

(i) "VOLUNTARY" MEANS PROCEEDING, OR ACTING, OR DONE OF ONE'S OWN FREE WILL AND CONSENT, UNINTIMIDATED BY COERCION OR COMPULSION FROM OTHERS.

**(6) LEGISLATION.** THIS AMENDMENT IS COMPLETE AS WRITTEN, BUT LEGISLATION MAY BE ENACTED TO CLARIFY THE DEFINITION OF THE DOCUMENTATION REQUIRED BY THIS SECTION. HOWEVER, SAID CLARIFICATION OF DOCUMENTATION SHALL IN NO WAY LIMIT OR RESTRICT THE PROVISIONS OF THIS SECTION OR THE POWERS HEREIN GRANTED.

\_\_\_\_\_  
DESIGNATED REPRESENTATIVES \_\_\_\_\_

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# 2015-2016 #100 - Amended

PROPOSED INITIATIVE MEASURE 2015 – 2016 #100, MEDICAL AID IN DYING. ~~(PREFERRED TITLE: "LIBERTY AT LIFE'S END")~~

A PROPOSAL TO AMEND THE STATE CONSTITUTION.

RECEIVED

S. WARD

MAR 09 2016

4:12 P.M.

Colorado Secretary of State

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**SECTION 28A. MEDICAL AID IN DYING. (1) FOUNDING CONCEPTS OF GOVERNMENT. (a)** THE PEOPLE OF COLORADO

AFFIRM THAT:

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PROCLAIM THAT CERTAIN INALIENABLE RIGHTS SUCH AS LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS ARE SO FUNDAMENTAL AS TO BE SELF-EVIDENT AND TO BELONG TO THE INDIVIDUAL BY NATURAL ENDOWMENT;

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(b) CITIZEN-SOVEREIGNS HAVE THE INALIENABLE RIGHT OF THE LIBERTY AT LIFE'S END TO SET THE TIME AND TONE OF THEIR OWN DEATH BY OBTAINING A MEDICAL PROFESSIONAL'S ASSISTANCE IN ACHIEVING A PEACEFUL DEATH THROUGH THE CAREFUL ADMINISTRATION OF A MEDICAL PROTOCOL.

(c) THE PEOPLE OF COLORADO HEREBY ADDITIONALLY DECLARE THAT ANY PERSON, GROUP, OR MEDICAL PROFESSIONAL ASSISTING A CITIZEN-SOVEREIGN TO SECURE MAID SHALL HAVE IMMUNITY FROM CRIMINAL PROSECUTION, CIVIL LIABILITY, AND PROFESSIONAL DISCIPLINE UPON PRESENTATION OF ACCEPTABLE DOCUMENTATION SUPPORTING THE CLAIM THAT THE REQUEST FOR, AND THE RENDERING AND UTILIZATION OF, MAID IS VOLUNTARY ON THE PART OF ALL INVOLVED IN ADMINISTERING, OR SUPPORTING THE ADMINISTERING OF, MAID.

**(5). CONDITIONAL, TIME DEFERRED, MAID.** (a) THE CITIZEN-SOVEREIGN'S RIGHT TO OBTAIN MAID IS NOT LIMITED TO THE MAINTENANCE OF MENTAL COMPETENCY ONLY, BUT CAN BE DURABLE INTO INCOMPETENCY IF DESIRED BY THE CITIZEN-SOVEREIGN AND SUPPORTED BY WRITTEN DOCUMENTATION OF THE CONDITIONS AND TERMS OF THE CONDITIONAL MAID AGREEMENT.

(b) A CITIZEN-SOVEREIGN CAN, AT ANY POINT IN TIME, ENTER INTO A CONDITIONAL MAID AGREEMENT TO RECEIVE MAID AT SOME FUTURE DATE WHEN THE PREDETERMINED CONDITIONS ARE MET, EVEN THOUGH THE CITIZEN-SOVEREIGN COULD, AT THAT POINT IN THE FUTURE, NO LONGER BE MENTALLY COMPETENT.

(c) PARTICIPATION IN MAID AND CONDITIONAL MAID IS ALWAYS VOLUNTARY. AGREEMENT TO PARTICIPATE IN THE MAID PROTOCOL CAN BE WITHDRAWN AT ANY TIME BY ANY CITIZEN-SOVEREIGN INVOLVED.

**(6). DEFINITIONS. AS USED IN THIS SECTION:**

(a) "ACCEPTABLE DOCUMENTATION" MEANS ARTIFACTS, SUCH AS, BUT NOT LIMITED TO, WRITTEN DOCUMENTS OR VIDEO AND AUDIO RECORDINGS THAT ARE PRESENTED TO SUPPORT THE CLAIM THAT THE CITIZEN- SOVEREIGN VOLUNTARILY REQUESTED MAID OR CONDITIONAL MAID.

(b) "ADULT" MEANS A PERSON EIGHTEEN (18) YEARS OF AGE OR OLDER.

(c) "CITIZEN-SOVEREIGN" MEANS A MENTALLY COMPETENT, ADULT, LAWFUL RESIDENT OF THE UNITED STATES OF AMERICA.

(d) "CONDITIONAL MAID" MEANS MAID THAT IS ACTIVATED THROUGH AN AGREEMENT DESIGNED TO GO INTO EFFECT WHEN THE "CONDITIONS" SPECIFIED THEREIN ARE MET. THE DETAILS OF THE AGREEMENT WILL BE DEVELOPED BETWEEN THE CITIZEN-SOVEREIGN WHO IS ANTICIPATING LOSING MENTAL COMPETENCY IN THE FUTURE AND DESIRES TO RECEIVE MAID AFTER HE OR SHE REACHES THAT POINT OF MENTAL INCOMPETENCY DESCRIBED IN THE AGREEMENT AND THE MEDICAL PROFESSIONAL WHO IS VOLUNTEERING TO PROVIDE THE MAID DESIRED AT THAT FUTURE TIME. THE MEDICAL PROFESSIONAL CAN WITHDRAW FROM THE AGREEMENT AT ANY TIME, BUT THE AGREEMENT MUST DETAIL HOW THE PARTIES TO THE AGREEMENT PLAN TO ALLOW THE MEDICAL PROFESSIONAL TO BE ABLE TO WITHDRAW FROM THE AGREEMENT WHILE STILL GUARANTEEING A PEACEFUL DEATH FOR THE CITIZEN-SOVEREIGN.

(e) "IMMUNITY" MEANS FREEDOM FROM PENALTIES, PAYMENTS, OR LEGAL REQUIREMENTS THAT COULD ARISE FROM ADMINISTERING MAID OR CONDITIONAL MAID. UNDER THE PROVISIONS OF THIS SECTION, MAID AND CONDITIONAL MAID ARE NOT SUICIDE OR ASSISTEDSUICIDE.

(f) "MAID" IS "MEDICAL AID IN DYING" AND MEANS HELPING A CITIZEN-SOVEREIGN WHO HAS AN INCURABLE, LIFE-LIMITING MEDICAL CONDITION, SUCCEED IN THE VOLUNTARY PURSUIT OF ACHIEVING A PEACEFUL DEATH. THE TERM "MEDICAL AID IN DYING" REFERS TO THE APPLICATION OF, AND TO THE SUPPORT OF THE APPLICATION OF, A MEDICAL PROTOCOL THAT IS LETHAL. IT DOES NOT INCLUDE NON-MEDICAL ACTIONS SUCH AS HANGING OR ASPHYXIATION AND MUST BE SUPERVISED BY A MEDICAL PROFESSIONAL.

(g) "MEDICAL PROFESSIONAL" MEANS A PERSON WHO, PURSUANT TO A LICENSE, CERTIFICATION, REGISTRATION, OR OTHER AUTHORITY GRANTED IN STATE LAW, IS AUTHORIZED TO ADMINISTER HEALTH CARE OR DISPENSE MEDICATION IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A PROFESSION. THE TERM MAY INCLUDE A HEALTH CARE FACILITY.

(h) "MENTAL COMPETENCY" APPLIES TO ANY ADULT IN COLORADO WHO POSSESS THE NECESSARY AND SUFFICIENT DECISIONAL ABILITY TO BE RESPONSIBLE FOR HIS OR HER OWN DECISIONS AND ACTIONS REGARDING MEDICAL CARE AND TREATMENT.

(i) "VOLUNTARY" MEANS PROCEEDING, OR ACTING, OR DONE OF ONE'S OWN FREE WILL AND CONSENT, UNINTIMIDATED BY COERCION OR COMPULSION FROM OTHERS.

**(6) LEGISLATION.** THIS AMENDMENT IS COMPLETE AS WRITTEN, BUT LEGISLATION MAY BE ENACTED TO CLARIFY THE DEFINITION OF THE DOCUMENTATION REQUIRED BY THIS SECTION. HOWEVER, SAID CLARIFICATION OF DOCUMENTATION SHALL IN NO WAY LIMIT OR RESTRICT THE PROVISIONS OF THIS SECTION OR THE POWERS HEREIN GRANTED.

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DESIGNATED REPRESENTATIVES

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## **Ballot Title Setting Board**

### **Proposed Initiative 2015-2016 #100<sup>1</sup>**

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning a right to assistance from a medical professional to achieve death through a medical protocol, and, in connection therewith, allowing a mentally competent adult to exercise the right or to enter into an agreement to exercise the right at a future time when the individual may no longer be mentally competent and the conditions specified in the agreement are met; and granting immunity from civil and criminal liability and professional discipline to any person who provides assistance to a person exercising the right.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning a right to assistance from a medical professional to achieve death through a medical protocol, and, in connection therewith, allowing a mentally competent adult to exercise the right or to enter into an agreement to exercise the right at a future time when the individual may no longer be mentally competent and the conditions specified in the agreement are met; and granting immunity from civil and criminal liability and professional discipline to any person who provides assistance to a person exercising the right?

*Hearing April 6, 2016:*

*Single subject approved; staff draft amended; titles set.*

*Hearing adjourned 12:10 p.m.*

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<sup>1</sup> Unofficially captioned “**Medical Aid in Dying**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

RECEIVED

APR 13 2016

S. WARD

2:35 P.M.

COLORADO TITLE SETTING BOARD

Colorado Secretary of State

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IN RE THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE  
FOR INITIATIVE 2015-2016 #100

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MOTION FOR REHEARING

On behalf of Carrie Ann Lucas, Anita Cameron and Julie Farrar, registered electors of the State of Colorado, the undersigned hereby submits this Motion for Rehearing on Initiative #100, and as grounds therefor states as follows:

**The Initiative Violates the Single Subject Rule**

In addition to its stated purpose of medical aid in dying, the Initiative also:

1. Creates a new class of protected persons under the Constitution referred to as "citizen-sovereigns";
2. Amends the Article II, Section 3 inalienable right of persons in "defending their lives";
3. Creates a new definition of "Mental Competency"; and
4. With no definition of "medical protocol" and immunity for any person or group assisting in medical aid in dying, the measure applies to assisted death by any person or group in addition to a medical professional.

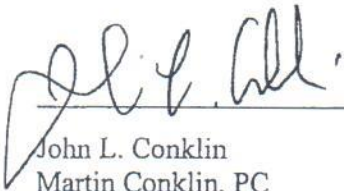
**The Title and Submission Clause Do Not Fairly Describe  
the Meaning and Intent of the Measure**

The title and submission clause set by the Title Board do not fairly describe the meaning and intent of the measure in the following ways:

1. The phrase "concerning a right" in line one of the title and submission clause is misleading because it implies such a right already exists. A more accurate phrase would be "recognizing a right" or "establishing a right";
2. The title and submission clause do not reference the newly created class of "citizen-sovereigns"; and
3. The title and submission do not reference immunity for a group assisting in medical aid in dying, which is contained in the measure.

Accordingly, the registered electors request that this Motion for Rehearing be granted and, at a rehearing conducted pursuant to C.R.S. §1-40-107, that the Title Board properly determine that it lacks jurisdiction over Initiative #100 or, if the Title Board finds it has jurisdiction, without waiver of any of the registered electors' remedies, set a title and submission clause which fairly describe the meaning and intent of the measure.

Respectfully submitted this 13<sup>th</sup> day of April, 2016.

A handwritten signature in dark ink, appearing to read "J.L. Conklin", is written over a horizontal line.

John L. Conklin  
Martin Conklin, PC  
90 Madison Street, Suite 601  
Denver, CO 80206  
(303) 321-1980

On behalf of Carrie Ann Lucas, Anita Cameron and Julie Farrar, registered electors of the State of Colorado.



**Ballot Title Setting Board**

**Proposed Initiative 2015-2016 #100<sup>1</sup>**

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution establishing a right to assistance from a medical professional to achieve death through a medical protocol, and, in connection therewith, allowing a mentally competent adult to exercise the right or to enter into an agreement to exercise the right at a future time when the individual may no longer be mentally competent and the conditions specified in the agreement are met; and granting immunity from civil and criminal liability and professional discipline to any person who provides assistance to a person exercising the right.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution establishing a right to assistance from a medical professional to achieve death through a medical protocol, and, in connection therewith, allowing a mentally competent adult to exercise the right or to enter into an agreement to exercise the right at a future time when the individual may no longer be mentally competent and the conditions specified in the agreement are met; and granting immunity from civil and criminal liability and professional discipline to any person who provides assistance to a person exercising the right?

*Hearing April 6, 2016:*

*Single subject approved; staff draft amended; titles set.*

*Hearing adjourned 12:10 p.m.*

*Rehearing April 20, 2016:*

*Motion for Rehearing denied except to the extent that the Board made changes to the titles.*

*Hearing adjourned 9:15 a.m.*

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<sup>1</sup> Unofficially captioned “**Medical Aid in Dying**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.